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International Court of Justice

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Official Transcript of the International Military Tribunal in the matter of the United States of America, The French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg Germany, on June 22, 1946, 1000-1700, Lord Justice Lawrence, presiding.

THE PRESIDENT : Dr. von Luedinghausen, the Tribunal sees that you have a supplementary request for an additional witness, Ambassador Francois Poncet, is that so, and for some additional documents ?

DR. VON LUEDINGHAUSEN : Yes, Mr. President. May I, especially with reference to the application applying to Francois Poncet, make the following remarks. The Ambassador, Francois Poncet, has in the meantime replied to the subpoena which he has received and I have had his letter two days ago through the French delegation, though only a copy thereof. The French Prosecution, however, have promised me that the original will be put before the Tribunal and they have no objections, just as the British delegation have no objections to Francois Poncet being used.

THE PRESIDENT : The letter being used you mean.

DR. VON LUEDINGHAUSEN : The letter being used, yes. The calling of the witness and the examination of the witness will, therefore , be superfluous and my corresponding application likewise.

THE PRESIDENT : That seems a convenient course to the Tribunal, subject, of course, to any question of relevance in the actual subject matter of the letter.

Now, as to the documents which you are asking, do the Prosecution object to those or not ?

DR. VON LUEDINGHAUSEN : Yes, in two cases, which, however, I have already crossed off. The two documents which I was going to submit and which have been objected to by the Prosecution have been eliminated by me and they were not being included in my document books.

THE PRESIDENT : On the document before me the Prosecution appear to have objected to three of them. I do not know whether that is true or not.

DR. VON LUEDINGHAUSEN : Two, 93 and 110 from my document books. They have been objected to and I have dropped them.

THE PRESIDENT : Yes, I beg your pardon, I was wrong. Well then, you have dropped them, that is all right. You may continue, please.

DR. VON LUEDINGHAUSEN : Mr. President, may I first of all say that up to now the translations have only been completed for document book number one. That, I think, is already available. The others, however, have not yet been completed. I should nevertheless like to be permitted firt of all to state the numbers of the documents and use them in corresponding questions, giving their numbers, of course, and secondly, possibly to be allowed to quote short passages from them so that the connection may remain intact and will save us from submitting the documents again when the document is translated, which after all would be a superfluous period of time.

THE PRESIDENT : Do you mean to use the documents before you have called the defendant ?

DR. VON LUEDINGHAUSEN : No, in the course of the examination.

THE PRESIDENT : Yes -- then you propose to call the defendant ?

DR. VON LUEDINGHAUSEN : I should like permission to do so.

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CONSTANTIN VON NEURATH, defendant, took the stand and testified as follows

BY THE PRESIDENT:

Q What is your name, please?

A Constantin von Neurath.

Q Will you repeat this oath after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withold and add nothing,

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. VON LUEDINGHAUSEN (Counsel for defendant von Neurath):

Q Herr, von Neurath, will you please give us a brief account of your family background, your education, and your schooling?

A I was born on 2 February 1873. On my father's side I come from an old family of civil servants. My father, my grandfather, and my greatgrandfather were ministers in Wuertemberg. On my mother's side I come from a noble family. the ancestors of which were generally officers in the Imperial Austrian Army.

Until my twelfh year I lived in the country in extreme simplicity, with particular emphasis being put upon the duty of truthfulness, responsibility, patriotism and Christianity, with Christian tolerance for other religions.

Q And then you went to the university; where and what did you study?

A After passing through secondary school, I studied in Thuringia and Berlin. I studied law, and I passed the state examinations.

Q After your examinations, what official positions did you hold, after you were appointed Reich Foreign Minister?

A In 1901 I joined the Foreign Service of the Reich. First of all, I worked at the central office in Berlin, and then in 1903 I was posted to the Consul Generals' office in London. From there I returned to the Foreign Office, and I worked in all the departments of that office.

THE PRESIDENT: When?

THE WITNESS: 1914.

THE PRESIDENT: Do you mean you were in London eleven years?

THE WITNESS: Yes. Then I was posted to Constantinople as a consul of the Embassy, and at the end of 1916 I retired from the diplomatic service because of differences between the policy of Chancellor Bethmann-Hollweg and my own ideas. Then I became the head of the cabinet of the

King of Wuertemberg until the revolution at the end of 1918.

In February 1919 the Social Democrat People'sCommissioner Ebert requested me to rejoin the diplomatic service. I did so, with the reservation that I might maintain my political attitude, and then I became Ambassador to Denmark, where my principal task was to handle the difficulty that we had with Denmark because of the so-called Schleswig question.

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In December 1921 I became the Ambassador to the Quirinal in Rome, where I remained until 1930. There I experienced the Fascist Revolution, with its bloody events and effects. At the outset I had several arguments with Mussolini, which gradually, however, developed into considerable confidence which he on his part had in me.

During the first world war I was a captain in a grenadier regiment, and in December 1914 I was decorated for bravery before the enemy with the Iron Cross, First Class. I was wounded, and thereupon I was returned to my assignment in Constantinople.

Q What is your attitude toward church and religion?

A As I have already told you, I was educated as a good Christian, and at all times I have considered the Christian Church and Christian morals to be the basis of the state. Again and again I tried to suppress the anti-church attitude of certain circles of the Party when talking to Hitler. In the case of excesses committed by Party organizations and individuals against the church and the cloisters and so on, I have always, so far as I was able, tried to suppress them and have intervened.

DR. VON LUEDINGHAUSEN: Mr. President, in this connection I should like to draw your attention to the affidavit given by Provincial Bishop Wurm at Stuttgart, and I should like to quote from it. This affidavit is Number 1 in my document book number 1. I quote:

"I met Herr von Neurath at the time of the church struggle. I thought that I might turn to him because he came from the same county as I did and because he was a descendant of a family which was friendly toward the Protestant churches. His father was a member of the Provincial Synod. I have not been disappointed in this confidence. He has received me frequently and often has arranged for conferences between myself and other members of the Reich Cabinet. In particular, he helped me in the autumn of 1934, together with the Minister of Justice Dr. of Interior Dr. Frick and the Reich Minister of Justice Dr. Guertner, when there were illegal interventions on the part of Reich Bishop Ludwig Mueller and when, because of resistance against the domination of the churches through the German Christians, I had been removed from my office and interned in my apartment. He achieved my release from detention

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and my re-instatement as Bishop. He also brought about a discussion in the Reich Chancellery. , the result of which was that the illegal legislation which the Reich Bishop had been responsible for was withdrawn. Also in later periods of the church struggle, I always found a friendly reception and the fullest understanding on his part for the requests of the church."

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May I also, in this connection, refer to the document which appears under the number 2 of my document book? It is an affidavit from an old, intimate friend of the defendant, the solicitor and attorney, Manfred Zimmerman, in Berlin.

May I quote just a brief passage from this affidavit?

THE PRESIDENT: I don't think it is necessary to read all of it. The Tribunal will, of course, consider it.

DR. VON LUEDINGHAUSEN: Very well, but actually, the reason I had attached importance to it was because the second document comes from a man who has known the defendant intimately for over forty years. I was interested, for that reason, that next to the declaration of Bishop Wurm I should also quote from a man who shared the daily life of von Neurath and knew him.

However, Mr. President, if you believe that it is not necessary for me to read it here, then I shall only refer to it.

THE PRESIDENT: You need not read it at all, but you can draw our attention to the most material passages.

DR. VON LEUDINGHAUSEN: Yes, Mr. President, that is the passage which I was going to quote. It is on page 5 of that affidavit, under number 5. It begins:

"Constantin von Neurath, according to his family, education, and development, is a man whose personality is established in every respect." I shall not quote the remainder.

I should also like to present a statement from a clergyman by the name of Roller, and the Mayor of Enzweihinger, which is the municipality from which Von Neurath originates. These have the number 24 in my document book number 1.

BY DR. VON LUEDINGHAUSEN:

Q Mr. von Neurath, what was your attitude towards the Jewish problem?

A I have never been an anti-Semitic person. My Christian and humanitarian convictions would have prevented me from being that. A repression of the undue Jewish influence in all sectors of public and cultural life, as it had developed after the first World War in Germany, however,

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was regarded by me as desirable. But all measures of force were turned down by me, just as was the propaganda against the Jews. The entire racial policy of the National Socialist Party was considered wrong by me, and for that reason I fought against it.

After the coming into force of the anti-Jewish laws, I tried to stem the tide of their being carried through, and non-Aryan members of the Foreign Office were held by me as long as was possible. However, after the Party had received the decision regarding the promotion of civil servants, it was difficult to confine myself to defending individual persons. I did enable several of them to emigrate.

The so-called racial law originated from a racial fanatic of the Party, and, in spite of the emphatic protests, in Nurnberg, it was passed.

DR. VON LUEDINGHAUSEN: May I draw yourattention, in this connection, to a document from which I shall quote a brief sentence. It is an affidavit from the former Ambassador Kurt Pruefer, which is number 4 in my document book. Ambassador Pruefer was a Ministry Director in the Foreign Office when von Neurath was Foreign Minister. May I quote briefly? This refers to his attitude towards civil servants of a different religion.

THE PRESIDENT: Will you give us the page?

DR. VON LUEDINGHAUSEN: It is page 9 of the German.

THE PRESIDENT: Yes, and our page 21?

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DR. VON LUEDINGHAUSEN: Yo

"Von Neurath has, in many cases, used his influence on behalf of officials of the Foreign Office of another religion who, because of their race, their religion, or their original connections to other parties, were being objected to by the National Socialists. Thus, until Hindenburg's death, and as long as Neurath still had full power in all questions relating to civil servants, a number of officials of Jewish or mixed blood remained in their positions. Infact, there were even some promotions of such officials.

"Only after Hindenburg's death, when the Reich Ministers, as well as other department chiefs, were told by a Fuehrer decree that they were no longer entitled to make final decisions in all questions of civil servants, which powers were then transferred to the Deputy of the Fuehrer, did it happen that the radicalism of the Party penetrated into this sector too, which, particularly after Neurath's resignation, adopted more and more severe forms."

THE PRESIDENT: Which answer was that?

DR. VON LUEDINGHAUSEN: That was the affidavit of the former Ambassador Prueofer.

THE PRESIDENT: Yes, I know that. I wanted to know which answer it was.

DR. VON LUEDINGHAUSEN: I see -- number 4. It is an affidavit, it isn't an interrogatory in that sense.

THE PRESIDENT: It is paragraphed in our copy, at any rate.

DR. VON LUEDINGHAUSEN: Number 18; it is the answer to question number 18.

May I also draw your attention to an affidavit from Baroness Ritter, of Munich. Baroness Ritter is a distant relative of the defendant. She is the widow of the former Bavarian Ambassador to the Holy See. She has known von Neurathher for many years, and she knows his train of thought intimately.

This is contained in my document book number 3, and I should like to quote from page 3, just one short passage:

"The same tolerant attitude as he had displayed towards Christian questions was also displayed by von Neurath towards the Jewish questions. Therefore, he refuted Hitler's racial policy fundamentally. In practice he

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actually succeeded in preventing any elimination of Jews under his jurisdiction until the year 1937.

"Furthermore, he helped, whenever possible, all persons who were close to him professionally and who had been affected by the legislation concerning Jews, in so far as he was able, in order to deliver them from financial and other disadvantages."

BY DR. VON LUEDINGHAUSEN:

Q Mr. von Neurath, what was your attitude toward Hitler's anti-Jewish tendencies and measures?

A In them I saw anti-Semitism. It wasn't altogether rare in the German people, but normally, however, it hadn't had any practical results. I protested to Hitler concerning any excesses of which I knew, and not only for foreign political reasons. I suggested that he should hold back Goebbels, and particularly Himmler.

Q In this connection I should like to interpose a question. What did you know about the activities and excesses committed by the Gestapo, the SA, and the SS respectively?

In this connection I should like to put to you the testimony of the witness Gisevius, who appeared here some time ago. He said:

"Above that, I submitted to one of his closest associates, Ambassador von Buelow, as much material as I possible could."

After the information which von Buelow gave me, he apparently has submitted that material repeatedly. Are we here concerned with material which is supposed to refer to excesses, particularly against foreigners, of course?

A The testimony given by Gisevius that my Chief of Protocol, von Buelow, generally had to inform me about the activities of the Gestapo, is a very incorrect guess. Officially, through complaints from Ambassadors and Charges d'affaires, I heard of rows and street fights and arrests carried out by the Police and the SA. I knew nothing about the general institution of the Gestapo and its activities.

In every case which became known to me I demanded, first of all, that the Minister of the Interior and Chief of the Gestapo should explain the matter to me, and then I demanded that the guilty party should be punished.

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Q. What did you know, or, respectively, how much did you hear about concentration camps? When did you first hear of this institution altogether, and when, if at all, did you hear of the conditions which prevailed in these camps?

A. The institution of the so-called concentration camps was known to me from the Boer War. The existence of such camps in Germany, however, became known to me, I should think, approximately at the end of 1934 or the beginning of 1935 when two officials from my office, amongst them the chief secretary, who has been mentioned by Gisevius, were suddenly arrested. When I investigated their whereabouts, I discovered that they had been removed to a so-called concentration camp.

I sent for Himmler and Heydrich, and I accused them, in which connection there were very serious arguments between the two and myself; and upon my immediate complaint to Hitler, these two officials were released. Subsequently I asked them how they had been treated, and both of them concurred when they told me that apart from the lack of freedom, the treatment had not been bad at all.

The concentration camp to which they had been taken was the camp at Oranienburg. Later on I learned of the existence of a camp at Dachau, and in 1939 I also heard of Buchenwald, because the Czech students who had been arrested by Himmler were taken there.

Of the extent of concentration camps which has become known here, and in particular of the treatment of the prisoners or even of the extermination camps I only hear here in Nurnberg.

Q. By whom and when were you appointed Reich foreign minister, and how did that appointment happen?

A. I was appointed foreign minister on the 2nd of June, 1932, by Reich President von Hindenburg. As early as 1929, after Stresemann's death, Hindenburg had intended to appoint me foreign minister. At that time, I had refused, because considering the party conditions existing in the Reichstag in those days I saw no possibility for an able foreign policy. I was not a member of any of the thirty parties, so that I would have had no support in the Reichstag of those days.

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Q. In this connection --

A. Just one moment.

Q. I beg your pardon.

A. Hindenburg, however, obtained my promise that I would follow his cause if the fatherland should find itself in an emergency.

DR. von LUEDINGHAUSEN: In this connection, may I quote the telegram with which the Foreign Office was informing von Neurath of the fact that the Reich President desired that he should serve the government in a leading position? The telegram has the exhibit number 6 in my document book.

"For the Ambassador personally.

"To be diciphered by himself.

"Berlin, 31 May 1932".

It was addressed to London.

"The Reich President requests you, in view of your prior favorable statements, to take over the Foreign Ministry in the presidential cabinet about to be formed, which will be made up of right wing personalities free from political party allegiance and is to rest less upon the Reichstag than upon the authority of the Reich President. The Reich President addresses an urgent appeal to you not to refuse your services to the Fatherland in these serious hour. Should you not be able immediately to give a favorable answer, please come immediately."

It is signed by Buelow, who was at that time the Secretary of State of the Foreign Office.

I also draw your attention to a copy of the letter from the chief of the political department of the Foreign Office referring to Neurath's appointment to the post of Reich Foreign Minister, a letter which had been written to Ambassador Rudelin at the time. The author of the letter is the ministry director Dr. Koepke, and he will be examined before this Tribunal to confirm the correctness of the letter; that is to say, the fact that this is an actual copy of the original addressed to the Ambassador.

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I should assume, therefore, that at this moment I need not read from the document. The document as such is Exhibit No. 8 in my document book.

BY DR. VON LUEDINGHAUSEN:

Q Did you light-heartedly decide to follow von Hindenburg's call and take that difficult post, probably difficult in those days?

A No, no, not at all. I was not in the least bit keen about taking over that tricky post of Foreign Minister. I should have liked very much to remain at my post as ambassador in London, because I had a very excellent position with reference both to the government and the royal family, and I was hoping therefore, that I should be able to be of service to both countries, Great Britain and Germany.

However, I could not simply overlook Hindenburg's appeal, but even then I decided only when I had had a lengthy personal discussion with him during which I stated my own ideas regarding German policy to him, and during which I assured myself of his support for the peaceful aims and the aim of equality for Germany. There should be a strengthening of his position withih Germay, and there was to be a reestablishing of Germany's entire sovereignty.

DR. VON LUEDINGHAUSEN: May I in this connection refer to a document already quoted? It is the affidavit of the former ambassador Pruefer, which I have included in my document book under No. 4. May I quote from this document, sub-paragraph 7, which refers ro the appointment of the defendant by Hindenburg? In my German text, this is Page 27.

"In the circles of higher-up functionaries of the Foreign Office none of whom at that time were in sympathy with National Socialism, it was a welll known fact that when appointing Hitler as Reich Chancellor Hindenburg had, so to speak, attached the condition that Neurath should remain in office as Foreign Minister. Baron Neurath was in no way anxious to obtain this office when he assumed it in 1932. On the contrary, as early as 1929, when Hindenburg had asked him to accept the ministerial post, he had declined on the ground that, not being a member of a party and thus being without party support, he could not consider his appointment to a ministry as suitable in a country ruled according to the parliamentary principle. It was not until 1932, when Reich President von Hindenburg, whom he venerated

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deeply, formed his first so-called presidential cabinet, that Neurath dropped his scruples and entered the cabinet as foreign minister.

BY DR. VON LUEDINGHAUSEN:

Q What was your judgment on the inner political situation at the time?

A The development of party conditions in 1932 had come to a head to such an extent that I was of the opinion that there were obviously only two possibilities: Either there would have to be some participation of the National Socialist Party, which had grown considerably in the government, or should this demand be turned down, there would have to be civil war.

The details regarding the formation of the government in 1933 and also the details of Hitler's seizure of power have been described by the defendant von Papen.

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Q Yes, but what judgment did you apply, what was your attitude towards Hitler, the National Socialists generally and the National Socialists' idea in particular, what was your opinion about the Party?

A I didn't know Hitler personally. The methods of the Party during their fight for power in the State were dispised by me. Some of them, particularly in the social sphere, appeared good to me and others I considered to be a phenomena of a revolution which I thought would dwindle gradually, as I had observed it to happen during the German revolution in 1918 and later during the Fascist revolution in Italy also. On the whole, however, I refused to sympathize with them; in any case, I considered in those days that s decisive role played by Hitler in the National Socialist Party, in German foreign policy or even its being led by Hitler was considered by me to be wrong and certainly not in the interests of Germany but least of all in the interests of German foreign policy.

DR. VON LUEDINGHAUSEN: May I in this connection refer to another passage from the affidavit of Ambassador Pruefer which I should like to quote. It is No. 4 in my document book and it is on page 28. It is interesting in so far as Pruefer was an official of the defendant's ministry: "Baron von Neurath was not a National Socialist. By unbringing and tradition he even was decidedly against the doctrines of National Socialism, to the extent that they endorse radical and violent principles. This dislike which he did not attempt to conceal was particularly directed against excesses of Party Spokesmen towards people with different views, especially with regard to the Jews and persons of partly Jewish ancestry; beyond that against the all-around interference of the National Socialist party in every vital expression of the German people and state; in other words against the claim of totalitarianism, the Fuehrer principle, briefly against dictatorship. Especially during the years 1936, until early 1938, when in my capacity as head of the budget and personnel section I saw him very frequently, Baron von Neurath expressed himself to me and to others in unmistakable terms as to

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how much concern and aversion he felt toward the progressively more extreme tendency in German internal and foreign policy."

Mr. President, may I also beg the Tribunal to take judicial notice of the interrogatory of Count Schwerin Krosigk, the former Reichsminister of Finance, which is contained in my document book under No. 25.

BY DR. VON LUEDINGHAUSEN:

Q Now, first, to come to your foreign political ideas, thoughts and principles, what was your attitude towards the Treaty of Versailles and the League of Nations?

A In the numerous and impossible rules of the Versailles Treaty which was bringing disorder to the economic system of the entire world, we find the roots of National Socialism and in that way the causes of the second World War. By combining this Treaty with the League of Nations and by making the League of Nations, shall we say, the guardian of this Treaty, its original purpose, namely, that of creating understanding amongst the nations and preserving the peace, became impossible. The Charter allowed for the impossibility. When the United States had withdrawn from participating and when Russia and later Japan were also standing outside this so-called League of Nations, its majority consisted only of a meeting of interested parties who were interested in maintaining the status quo, of status quo, mind you, which had been created by means of the Treaty of Versailles. Instead of removing the tension which appeared again and again, it was the aim of this League not to alter the existing state of affairs at all--that a great and living nation discriminated against, as it was by the Versailles Treaty could not stand for this; that was something which any statesman who was a little farsighted would recognize and it was not only in Germany that it was pointed out again and again that this would lead to a nasty end. Even Geneva, however, the playground of brilliant orators and politicians, was deaf to that argument. It is an undeniable historic fact that German foreign policy under all governments preceding Hitler's was aiming at a change in the Treaty of Versailles, though exclusively by peaceful means.

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Q Was this also Hindenburg's policy or would Hindenburg have been accessivle to another, shall we say, forcible solution by means of war?

A No, not at all, not even if Germany had had the military tools for that purpose. He told me again and again that a new war would have to be avoided at all costs.

DR. VON LUEDINGHAUSEN: Mr. President, may I draw your attention in this connection and ask you to take judicial notice of an extract from a speech made by Count Bernstorff, who was Germany's representative in the League of Nations? The speech was made on the 25th of September 1928 and can be found under No. 34 in my document book No. 2. The translation, however, has not yet been available. It will be submitted, I hope, on Monday. I also refer to and beg you to take judicial notice of an extract from the speech of former Reichschancellor Bruening at Kiel, which he made on the 19th of May 1931, and which is No. 36 in my document book No. 2. Then there is an extract from the speech made by former Reich Foreign Minister Curtius, who was the successor and friend of the deceased Reichschancellor Stresemann, which Curtius made to the League of Nations Assembly.

SIR DAVID MAXWELL FYFE: My Lord, I was telling Mr. von Luedinghausen that I have got Volume 2. I don't know if the Tribunal have the English translation.

THE PRESIDENT: No, I don't think we have. Sir David, have the prosecution agreed to the relevancy, the admissibility of these documents?

SIR DAVID MAXWELL FYFE: My Lord, we are not going to make an objection to short references as have been done so far. Your Lordship will appreciate that I have already stated the position of the prosecution with regard to the Treaty of Versailles, but as long as it is kept within reasonable bounds as a matter of introduction, I am not taking any formal objection.

THE PRESIDENT: Mr. von Luedinghausen, the Tribunal has ruled out of evidence of variety of documents which are alleged to show

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the injustice of the Treaty of Versailles; as the prosecution have adopted the attitude which they have, the Tribunal will regard these as more historical documents but the matter is really irrelevant. The only question is whether the defendants have attempted to overturn the Treaty of Versailles by force. We are not concerned with the justice or injustice.

DR. VON LUEDINGHAUSEN: I know, Mr. President, and that wasn't the reason why I submitted the document. I did not wish to state criticisms with reference to the Versailles Treaty. I wanted to establish the fact that previous governments, too, had had the same aims with peaceful means which my client later pursued in his capacity as Reich Foreign Minister also, so that under his direction, therefore, there were no changes whatever in the tendency and target of Germany's foreign policy with reference to foreign powers. That was the only reason and not criticism as such.

THE PRESIDENT: I know, Dr. Luedinghausen, but all the evidence that the defendant has been giving in the last few minutes was criticism of the injustice of the Treaty of Versailles.

DR. VON LUEDINGHAUSEN: Yes, that was his general introdcution but now we are only trying to prove the continuity of this policy.

BY DR. VON LUEDINGHAUSEN:

Q What views did you hold regarding the continuation of the foreign policy of the Reich, with reference to the questions which we have just treated or dealt with?

A It was my view that the solution for the various political problem could only be achieved by peaceful means and step by step. It was a prerequisite, of course, that there should be complete equality for Germany in every sector and that, of course, therefore includes the military field. It would also mean the restoration of sovereignty in the entire Reich and the end to any discrimination. To achieve this, at any rate, would be the first task of Germany's foreign policy.

DR. VON LUEDINGHAUSEN: Mr. President, in this connection, I should once more like to refer you to the affidavit from Ambassador

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Dr. Pruefer, which is No. 4 in my document book and I should like, with permission of the Tribunal, to quote for the purpose of underlining the statement just made by the defendant. I quote from paragraph 12: "Neurath's policy was one of international understanding, and peace. This policy was not in contradiction with the fact that Herr von Neurath also strove for a revision of the hardships resulting from the Versailles Treaty. However, he wanted to bring this about exclusively through negotiations, in no case by force. All his utterances and directives, which as his assistant I over heard or saw, tended in that direction. The fact that Baron Neurath considered himself as a defender of the peace is perhaps best illustrated by a statement he made when leaving the foreign office. He declared at that time among a small group of his colleagues that now war could probably no longer be avoided. He probably meant by this that from now on the foreign policy would be transferred from his hands into those of reckless persons."

Q Mr. von Neurath, you agreed entirely with Hindenberg regarding total refusal of the employment of force for the purpose of achieving this aim of yours, namely, the changes you wished to be made in the Treaty of Versailles, and you did consider the achievement of that a possibility and you were a convinced opponent of any military conflagration, which you considered the greatest misfortune not only for Germany but for the entire world ?

A Yes. Germany and the whole world were still suffering from a terrible economic crisis which had been caused by the regulations of the Treaty of Versailles. Any further military steps, therefore, could only lead to a huge disaster.

Q On the 2nd of June, 1932, a few days after you had started your new activities as Foreign Minister, the meeting of the so-called Restoration Commission began in Lausanne and you and the new Reich Chancellor, von Papen, participated. Will you tell us very briefly what the purpose of that conference was ?

A The reparations imposed by the Treaty of Versailles, which had never been definitely fixed, were now to be removed formally or to be decided clearly in their final sum, an aim which was actually achieved.

Q At the same time, wasn't there a meeting of the Disarmament Conference at Geneva ?

A Yes, at almost the same time these negotiations were also taking place.

DR. VON LUEDINGHAUSEN : Mr. President, in this connection, and for the purpose of general understanding, I should like to point out to you that the institution of the Disarmament Conference goes back to a resolution passed by the League of Nations on the 25th of September, 1928, during which the close connection between international security -- that is to say peace, the peace of Europe in general -- and the limitation of armament in general was being enphasized. In this connection, I should like to draw your attention to the text of the resolution passed by the League of Nations, which has No.33 in my document book. That is on Page 90 of Document Book 2.

BY DR. VON LEUDINGHAUSEN :

Q Can you give us a brief account of the events at these disarmament negotiations ?

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A Yes, but then of course to give you a brief account is very difficult. The Disarmament Conference had been created by the League of Nations for the purpose of taking care of the disarmament of all states, which was provided for in Article 8, and which was to be the basis for the German disarmament which had already been carried out by 1927. The negotiations during that Disarmament Conference, and in spite of objections raised by Germany's representatives, were adjourned however. The previous negotiations and this adjournment made it abundantly clear, even at that early stage, that those states which had not disarmed were not prepared to carry through their own disarmament in accordance with the applicable measures and methods of Germany's previous disarmament. At this time a resolution which was proposed became inacceptible to Germany and the German Representative received his instructions, therefore, to declare that Germany would not participate in the negotiations of the Disarmament Conference any more until the equal participation of Germany in the results of the conference should be recognized.

THE PRESIDENT : Dr. von Luedinghausen, shall we adjourn now ?

DR. VON LUEDINGHAUSEN : Yes, Mr. President.

(A recess was taken.)

DR. VON LUEDINGHAUSEN : Mr. President, in regard to the question just answered, I should like to refer to various documents and ask you to take note of them. I have submitted, in my document book No.2, under No.40, excerpts from the German memorandum of the 29th of August, 1932; excerpts from an interview of von Neurath with the representative of the (W.T.B.), the official news bureau of the German Reich, No. 45 of Document Book 2; an excerpt from a letter of the Defendant to the President of the Disarmament Conference, No. 43 of my Document Book No. 2; and finally, I should like to refer to a speech of the German representative in Geneva at the Disarmament Conference, which is No. 39 in my Document book, which shows the development and the attitude of the Defendant and also the German policy toward the disarmament negotiations which were started on the 16th at the Disarmament Conference.

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BY DR. VON LUEDINGHAUSEN:

Q. Mr. von Neurath, in the documents submitted you emphasized that the disarmament question must be solved exclusively by peaceful means, and that no force could be used. Was this actually your conviction and did it represent the line of your policy?

A. Yes. During the whole period when I was Reich Foreign Minister, no means were used which were not the general practice and permitted internationally.

Q. On the 16th, the negotiations in the disarmament conference were to begin again. What was the result of this meeting of the disarmament conference?

A. First, the disarmament conference dwindled away, but later a so-called Five-Power Statement was issued in December 1932. This statement referred to Germany's claim for equal rights, and the listing of discriminations, and recognized the German claims.

After this Five-Power Statement, the League of Nations Council recognized that Germany's equal rights were recognized for all time. Therefore, from Part 5 of the Versailles Treaty with reference to the obligation undertaken by the signatory powers for general disarmament, Germany could put into effect her right to resign. To this Five-Power Declaration, the prerequisite was given of Germany's taking part in the disarmament conference.

DR. VON LUEDINGHAUSEN: Mr. President, I should like to refer to the text of the Five-Power Declaration on the 11th of December 1932. It is No. 47 in my Document Book No. 2. That was the time before the seizure of power. Now, in January 1933 Hitler was appointed Reich Chancellor and then there was the so-called seizure of power by the NSDAP.

BY DR. VON LUEDINGHAUSEN:

Q. Now, did you participate in any form whatever in this seizure of power, in the appointment of Hitler as Reich Chancellor?

A. No, I had no part in any stage of the negotiations regarding the appointment of Hitler as Reich Chancellor. No one, not even the Reich President and certainly no party leader asked me for my opinion. I had no close

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relations with any party leader, especially the leaders of the National Socialist Party. Goering and Papen have testified to that effect here.

Q. What feelings did you have on this question of the appointment of Hitler as Reich Chancellor, in other words, the seizure of power by the Party?

A. I had misgivings, but as I said at the beginning, in view of the party situation and the impossibility of forming a government against the National Socialists, I saw no other possibility unless one wanted to start a civil war, about the outcome of which there could be no doubt in view of the large number of followers of Hitler.

Q. For what reason, in view of your attitude which you have just expressed, did you remain Reich Foreign Minister in the newly formed Hitler Government?

A. At the express desire of Hindenburg.

DR. VON LUEDINGHAUSEN: I should like to refer to the affidavit of Baroness Ritter, No. 3 in my Document Book 1 which has already been mentioned, and with the permission of the court I should like to read a short passage from it.

"When in the year 1933 a new government was formed under Hitler as Reich Chancellor, Hindenburg made the condition to Hitler that Neurath would have to remain Minister for Foreign Affairs. In accordance with this, Hindenburg asked Neurath to stay, and Neurath fulfilled Hindenburg's request in accordance with his previous promise. I know that Neurath in the course of time frequently harbored considerable misgivings, but was of the opinion that it was his patriotic duty to remain.

"In this connection, an especially fitting comparison with a large rock comes to my mind, which right in the middle of the river can decrease the force of the roaring current, while on the shore it would remain without influence. He frequently stated, 'If the Germans often wonder that I am cooperating with this government, then they always think only of the bad conditions without appreciating how much disaster in excess of it I am still able to prevent. They forget what strength it takes to advance alone to Hitler through the wall of the "Myrmidons"."

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By that Baroness von Ritter means the close circle surrounding Hitler, to advance through that to Hitler.

BY DR. VON LUEDINGHAUSEN:

Q. Do you know for what reasons Hindenburg wanted you to remain or to enter the Hitler Cabinet as Foreign Minister?

A. To secure the continuation of a peaceful foreign policy, and to prevent Hitler from rash steps which were possible in view of his nature; in a word, to act as a brake.

Q. Did Hindenburg make your remaining or entering the cabinet a condition for the appointment of Hitler as Chancellor?

A. Yes, he told me so later.

DR. VON LUEDINGHAUSEN: In this connection, I should like to refer to the affidavit of the former ambassador Kurt Pruefer, No. 4 in my document book, and I should like to read a short excerpt from it.

"In his basic political attitude" --

THE PRESIDENT: What page is that?

DR. VON LUEDINGHAUSEN: Page 27, Exhibit No. 4.

"Inasmuch as Hindenburg was a conservative, his basic political attitude was probably about the same as that of Baron Neurath. There was no doubt in the mind of anybody with even a moderate understanding of conditions that Hindenburg himself, in vesting power in Hitler, had done this only most reluctantly and yielding to the heavy pressure of developments in the field of home policy. If, under such circumstances, he insisted and made it a condition that Baron Neurath, his former adviser in the foreign field, remained in office, this undoubtedly was due to the fact that within the seething new forces which were surely displeasing and unsympathetic to him personally, he wanted to assure himself of one steady pillar at least for foreign policy, that is, for peace."

BY DR. VON LUEDINGHAUSEN:

Q. Did you talk to Hindenburg about this, and did you tell him of your reluctance, your misgivings against joining the Hitler Cabinet?

A. Yes, I did not leave him in any doubt about that.

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Q. What did Hindenburg answer?

A. He told me that I would have to make this sacrifice; otherwise, he would not have a quiet hour. Hitler had no experience in foreign politics.

Q. Did you, for this reason, decide to join Hitler's cabinet?

A. Yes. The English Prosecution, Sir David, in the session of March 1 of this year, asserted that through joining the cabinet of Hitler I had sold my honor and reputation. I will not comment on this serious insult.

DR. VON LUEDINGHAUSEN: Mr. President, I should like to quote a single sentence from the diary of Ambassador Dodd, which is No. 13 in my document book.

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I should like to quote the entry under the 6th of April, 1934, on page 100- that is page 55 of the German text, which reads as follows. It is a remark of Dodd's which refers to von Neurath:

"I am sorry for these clear-headed Germans who know world affairs fairly well and who must work for their country and yet must submit to the ignorance and autocracy of Hitler and his followers."

BY DR. LUEDINGHAUSEN:

Q In these talks with Hindenburg did you promise him that you would remai in the cabinet as long as it would be at all possible for you to keep the forei political course a peaceful one and avoid warlike action, even if Hindenburg should die?

A Yes. He repeatedly expressed that wish to me.

Q This was, no doubt, the reason why after the death of Hindenburg you remained in office?

A Yes. But also because in the meantime I had experienced, because of Hitler's excitable temperament, he was often carried away and made rash steps. I also experienced that in such cases he would listen to my objections.

Q The Prosecution, as you know because of your entry into and remaining in Hitler's cabinet as foreign minister and remaining after the death of Hinden burg particularly place a special charge against you.

A What reproach they can have against me I cannot see. I never belonged to a party; I never swore allegiance to party programs and I never swore allegi nce to the party leaders. I served under the Kaiser, The socialist government, under Ebert, asked me to re-enter the foreign service and appointed me minister and ambassador. I served as a diplomat with liberal and conservative governments without identifying myself with their various programs. I was often in opposition to the government parties. I represented only the interests of my fatherland in its cooperation with other powers.

There was no reason for me not to attempt to do the same under Hitler and the National Socialist Party. One could put different opinions into effect only from the inside as a member of the government with any prospect of success. Freedom od speech, the use of the press were forbidden in Germany or at least made difficult. Personal freedom was endangered. Moreover, it is not greatly different in other countries. I mean to say participation in the governments

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of various parties, for example I mentioned Lord Vansittart, whom I know well myself, who was in the English Foreign Office under conservative as well as labor governments.

Q But after the 30th of June, 1934, and the bloody events of that time, why did you remain in the government? Why did you not resign at that time?

You know that the Prosecution have reproached other defendants for remaining in the government.

A Aside from the fact that the description which Hitler gave of the events as to the Putsch at that time from which I had to conclude that it had been a serious revolt, I experienced a number of revolutions, for example the Russian revolution and, as I said, the facist revolution in Rome and I saw that in such revolutions innocent people have to suffer. I adapted myself to Hindenburg's attitude, who, even if I wanted to resign would never have let me do so.

As an illustration that I accepted the seriousness of this revolution and Hitler's description of it I should like to mention briefly an episode on this day, the 30th of June.

A brother of the emperor of Japan was in Berlin and I had to invite him to dinner. Colonel General von Fritsch was also present at this dinner and a number of other people -- high officers ans officials of the Foreign Office. The prince did not appear, that is, he came an hour late. When I asked for the reason I learned that my house had been surrounded by the SA and the prince had been prevented from entering. A few days later, Colonel General von Fritsch, after he had described events on the military side, asked me whether I knew that he himself had been on the list of Mr. Roehm.

Despite the harmless picture given by the witness Gisevies as to this revolt, this revolt was not as harmless as described here.

Q Before you decided to enter the Hitler cabinet did you talk to Hitler himself about the principles and the policy, foreign policy which you intended to pursue ?

A Yes, in detail. I explained to him that only by way of negotiations and a policy corresponding to the international situation could we achieve our ends. This would demand patience. Hitler seemed to understant this at the time and I had the same impression during the following years. I am

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convinced that he approved the continuation of this policy and was honest. He repeatedly emphasized that he knew war and did not want to have another war.

DR. VON LUEDINGHAUSEN : I should like once more to refer to the affidavit of Ambassador Pruefer, number 4 in my document book one and with the permission of the Court I should like to quote the following :

"This policy was not in contradiction with the fact that Herr von Neurath also strove for a revision of the hardships resulting from the Versailles Treaty. However, he wanted to bring this about exclusively through negotiations, in no case by force."

Then on the same page --

THE PRESIDENT : Have you not read this already ?

DR. VON LUEDINGHAUSEN : Yes. I want to read another passage.

"I am certain that Baron von Neurath, as well as other career officials in the Foreign Office, had no concrete knowledge of any possible plans for violence on Hitler's part. On the contrary, during the first years after the change of government one lent general credence to the oft-repeated protestations of peaceful intentions by the National Socialist leaders. I am even of the opinion that the latter themselves, especially during the first years, did not want to bring about a war. Rather was it believed and hoped in the higher circles of the Party, where Neurath did not count at all, that it would be possible to continue reaping cheap laurels without war through the hitherto successfully practiced tactics of bluff and sudded surprise. It was not until later that the megalomania arising from success and a belief in their own luck and their own infallibility and invincibility, which had become mystical through unrestrained sycophantism, led Hitler and his immediate entourage only later to include war among their instruments of political power. We, the functionaries of the foreign service, and with us Baron von Neurath our chief, became aware of this development only gradually, as outsiders. Until about the beginning of 1936 only a very few functionaries had been admitted into the Party which, on its part, treated the staff of the office, including the recently admitted members, with suspicion and distrust.

THE PRESIDENT : Dr. Luedinghausen, isn't this really argument ? You are reading at great length.

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DR. VON LUEDINGHAUSEN: I have already finished, Mr. President.

BY DR. VON LUEDINGHAUSEN:

Q Did you yourself see in the Party program of the National Socialists any intention or will for war with other powers?

A No. Contrary to the allegations of the Prosecution, which do not gain in truthfulness by repetition, I could not see any intention to resort to hostilities in the event of the failure to reach our aims, and from the various statements of Hitler, I know that he himself at that time--that is to say, at the beginning of his period of government--had no such intentions. He wanted close cooperation with England and with France and stable relationships which would remove the old hostilities between the two peoples. He told me that after the Saar plebiscite he would once and for all dispense with regaining Alsace.

Q The Indictment charges that from the following sentences of the Party's program you should have seen that the Nazis had aggressive political ends and that they were aiming at war from the very beginning. It reads:

"We demand the union of all Germans in a greater Germany. We demand equal rights for the German people in respect to other nations, and the repeal of the Treaty of Versailles and the Treaty of St. Germain."

Will you comment on this?

A Even today I can not see any aggressive spirit in these sentences which have just been quoted. The right of self-determination is a basic prerequisite of the modern state, recognized in modern law. At least in theory, the Treaty of Versaille was based on this right, and on this basis the plebiscites in the border areas took place. The inclusion of all Germans on the basis of this recognized principle was an absolutely permissible political step on the basis of international law.

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The removal of the discriminatory terms of the Treaty of Versailles by changing the terms of the treaty was the essential aim of German foreign policy. As I have already said, all governments which had preceded the National Socialists had had the same objective. I can not see how one can deduce any intention of aggressive war if a people wants to free itself from the burden of an unjust treaty, on condition that it is done by peaceful means.

I should like to add that that was a foreign policy which I represented until the time at the end of 1937 when I had to realize that Hitler included war as a part of his policy. Before, there had been no question of it.

Q What was the effect of the seizure of power in Germany by Hitler on foreign countries?

A Tension and distrust of the new government resulted immediately. The antagonism was quite clear. It was especially clear at the World Economic Conference in 1933 in London, where I had an opportunity to talk to many old friends and members of other delegations and to orient myself to this change of attitude. The practical effect of this attitude was to be observed in all negotiations, and particularly in the sessions of the disarmament conference.

DR. VON LUEDINGHAUSEN: Mr. President, I should like to refer to a letter which is Number 11 in my document book. It is a report of Mr. von Neurath to the Reich President von Hindenburg from the London Conference. It is dated 19 June 1933. I shall quote a very short passage:

"Unfortunately I have to state that the impressions I received here are alarming to the highest degree."

THE PRESIDENT: What page is that?

DR. VON LUEDINGHAUSEN: Page 47.

THE PRESIDENT: Is that where you are reading--47?

DR. VON LUEDINGHAUSEN: 47, yes.

THE PRESIDENT: Yes, go on.

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DR. VON LUEDINGHAUSEN: "By reason of the reports of the Chiefs of our Mission I was prepared for many bad aspects, for many gloomy events and for disturbing opinions of foreign countries. Nevertheless, despite all apprehensions, I had hoped that various effects would be only transitory, that much could be settled. However, my apprehensions proved more justified than my hopes. I hardly recognized the City of London. I found a mood--first in the English world and then in international circles--showing a reaction in the political and psychological attitude towards Germany which cannot be considered seriously enough."

BY DR. LUEDINGHAUSEN:

Q In the main committee of the disarmament conference there were further negotiations. That was in the winter of 1933-34. Can you briefly describe the course of these negotiations? It is important in view of later events.

A A French plan was the basis of the negotiations at the time, 14 November 1932. This plan, surprisingly enough, provided for the transformation of professional armies into armies with a short period of service. According to the opinion presented by the French representative at that time, only armies with a short period of service could be considered as defensive armies, while standing armies, consisting of professional soldiers, had an offensive character.

This point of view of France was completely new. It was now only exactly opposite to the previous point of view of France, but it was also a change from the terms of the Versailles Treaty for the disarmament of Germany. This meant for Germany--and this was apparently the reason for the plan--it meant the abolition of the plan that she did not intend to disarm. A statement by the French representative, Paul Boncour, in the session of 8 February 1933 confirmed this.

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France also represented the same point of view in the following session, confirming the so-called working program presented by England on the 30th of January, 1933, in which England wanted to speed up the negotiations of the conference. This attempt to speed up negotiations, which would end the diverging tendencies of the various powers, failed because of France's stubborn attitude. A change in the program had been made to attempt to get over these difficulties. The question of army strength was debated first.

DR. VON LUEDINGHAUSEN: I should like to submit, and ask the Court to take judicial notice of my document number 49, in my document book number 2. It contains excerpts from the English program of the 30th of January, 1933.

Furthermore, there is my document number 46, also in document book 2, which contains excerpts from the French plan on the unification of continental European systems.

Finally, number 47, of my document book 2, contains excerpts from the speech of Mr. von Neurath in the session of the League of Nations Assembly on 7 December 1933, concerning the negotiations up to that time.

BY DR. VON LUEDINGHAUSEN:

Q What was the attitude of the disarmament conference on the question of disarmament as such; that is, reduction of armament strength?

A I must refer to notes to a great extent, because it is not possible to remember all these individual cases, these resolutions, motions, formulation and so forth. This is material that goes into detail to such an extent that I can only do it on the basis of notes.

THE PRESIDENT: Dr. von Luedinghausen, we have been the whole morning and we haven't yet really gotten up to 1933. The Tribunal thinks this is bein done in far too great detail. As I have already pointed out, a great deal of it is an attempt to show that the Treaty of Versailles was unjust, which is irrelevant.

DR. VON LUEDINGHAUSEN: Mr. President, if I may answer with the following, I do not wish to show the injustice of the Versailles Treaty.

THE PRESIDENT: Well, Dr. Luedinghausen, willyou kindly get on? As I say, we think you are going into it in far too great detail.

DR. VON LUEDINGHAUSEN: Very well.

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BY DR. VON LUEDINGHAUSEN:

Q What happened in order to get negotiations going again? On the 16th of March the English Prime Minister submitted a new plan --

THE PRESIDENT: We have nothing to do with the disarmament program.

DR. VON LUEDINGHAUSEN: I must show this in order to explain the motives for our resigning from the League of Nations. In the fall of 1933--

THE PRESIDENT: There is nothing against von Neurath in having influenced Germany to resign from the League of Nations, is there?

DR. VON LUEDINGHAUSEN: Yes there is.

I can only explain the resignation from the League of Nations on the basis of the preceding events. I cannot say in three words that this, this, and this was the reason. I must develop what the atmosphere was, how the situation arose, gradually, which left no other choice for the German Government than to leave the disarmament conference and the League of Nations. This explains the decision of the German Government to rearm, which is a charge against us. Historical and political events, decisions, and acts are always the result of what has preceded them. In the development of political events, there is a period of several years of development, and it is not a spontaneous event or a spontaneous decision. I cannot,as in the case of a military order, say that this decision was based on an order of the other side. I must describe --

THE PRESIDENT (Interposing): Dr. Luedinghausen, we don't need all this argument. We only desire you to get on. I am pointing out to you that you have been nearly the whole of the morning and we haven't yet got up to 1933.

THE WITNESS: Mr. President, I will attempt to be very brief as to this period of resignation from the League of Nations and the disarmament conference.

The negotiations, as I said, took the whole year, into the summer of 1933. In the fall there was a disarmament conference session which debated the same subject over and over again. The result of this conference was that disarmament was definitely refused by the Western Powers. That was the reason why we withdrew from the disarmament conference, since we considered any useful work impossible.

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Following this, we also withdrew from the League of Nations, since it had failed in various fields.

I now come briefly to the point of our resignation from the League of Nations. The reasons which induced us to do so at the time were expressed by me in a speech, which my defense counsel may submit.

BY DR. VON LUEDINGHAUSEN:

Q What date do you mean, Mr. von Neurath?

A October 1933 -- the 16th of October. I have the date here, 16 October 1933. It was made to the foreign press. In this speech I said that the resignation from the disarmament conference and the League of Nations by no means meant that Germany would not take part in any negotiations or discussions with the other powers, especially with the Western Powers.

DR. VON LUEDINGHAUSEN: Mr. President, this speech, or excerpts from it, will be found under number 59 in my document book. It is essentially the same thing that Mr. von Neurath has just stated, except that it is in more detail. I had intended to read it, but I am willing to dispensewith that.

I must call attention to a document which refers to the period of time which we have skipped, so that you may have the picture of how things developed gradually, until the middle of October.

In this connection I should like to refer to document 56, a speech of Mr. von Neurath to the foreign press; then, Hitler's appeal to the German people, number 58; the document just quoted, number 59; the German memorandum on the armament question and equal rights question of 18 December, 1933, docume 61; Number 62, an interview of Mr. von Neurath with the Berlin representative of the New York Times on the 29th of December, 1933; the German answer to the French memorandum of the 1st of January, 1934, number 64 in my document book 3; the German memorandum of the 13th of March, 1934, number 67; the speech of the President of the Disarmament Conference, Sir Neville Henderson, of the 10th of April, 1934, number 68; and finally, the Aide Memoir of the German Reich Government to the English disarmament memorandum of the 16th of April.

I have just been informed that I gave the wrong name. That was Arthur Henderson.

BY DR. VON LUEDINGHAUSEN:

Q In the middle of April 1934 a very importane event occurred. Willy comment briefly on it? This note caused a complete change in European politic

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A This French note was addressed to the English government as an answer to an English inquiry, and to a German memorandum of 13 march 1934, which had spoken of continuation of negotiations. It refers to a speechin the Berlin press which was just mentioned. With this French note, the effort in the disarmament question failed because of the attitude of the French government.

DR. VON LUEDINGHAUSEN: I would like to refer to various documents which I have submitted in my document book 3: No. 66, excerpt from a speech of the Belgian Prime Minister Brouqueville, of March, 1934; an excerpt from the diary of Ambassador Dodd, No. 63; then, No. 70, an excerpt from the note of the French Government, which was just mentioned, to the English Government of the 17th of April, 1934; the speech of Foreign Minister von Neurath, the defendant, to representatives of the Berlin press, in which he commented on this French note, No. 74 in my document book; finally, an excerpt from the speech of the American delegate at the disarmament conference, Norman Davies of the 29th of May, 1934.

THE PRESIDENT: Did you give the number of that?

DR. VON LUEDINGHAUSEN: The last one, Mr. President?

THE PRESIDENT: Yes,.

DR. VON LEUDINGHAUSEN: No. 76.

THE PRESIDENT: Yes; go on.

THE WITNESS: Before I answer this question, perhaps I may comment on something else. The prosecution showed me a speech of Hitler's of the 23rd of September, 1939, to the commanders in chief of the army in which he speaks of political and organizational measures which preceded the war.

THE PRESIDENT: You say that was on the 23rd of September?

THE WITNESS: The 23rd of September, yes; 1939.

The prosecution speaks of the resignation fromthe League of Nations and the disarmament conference, for aggressive intentions, which already existed at that time, and charges me with thiw. As I have repeatedly emphasized, up to 1937 there was no question at any time of any intention orpreparation for aggression.

The speech mentioned by the prosecution was made by Hitler six years

after these events, and one and a half years after my resignation as foreign minister. It is clear that in the case of a man like Hitler, these events at such a moment after the victorious end of the Polish war appeared different fromwhat they had actually been. These events cannot be judged from the date of the speech any more than German policy today, but they must be regarded from the point of view of the time at which they took place.

And now in answer to your question I will say this. In my opinion, the reasons were more or less from the fact that in the course of this preceding diplomatic negotiation, it had been shown that England and Italy were no longer unconditionally behind France and were no longer willing to support France's antagonistic attitude towards equal rights for Germany. The same point of view was held by the neutral states, Denmark, Spain, Norway, Sweden, and Switzerland.

In a note addressed to the disarmament conference of 14 April 1934, France apparently feared being isolated and thus falling into the danger of being unable to maintain here refusal to disarm. I myself commented on this attitude on the part of France fromthe German point of view in my speech to the German press on 27 April, 1934.

BY DR. VON LUEDINGHAUSEN:

Q What were the further consequences of this note to France of the 17th of April, inher own foreign political attitude?

A Only a few days after this note, the French foreign minister, Louis Bathou,undertook a trip to the East to Warsaw and Prague. As was soon evidenced the purpose of this trip to Poland and Czechoslovakia was to feel out and reconnoitre the opportunities for resuming diplomatic relations with these countries and other countries, the so called little Entente, and to prepare the way for the inclusion of Russia in European politics.

Bathou's efforts were successful. Poland and Czecholsovakia resumed diplomatic relations with Russia. On his second trip, Bathou returned with the permission of all the states of the little Entente for the Eastern pact suggested by France and Russia.

Q Were not negotiations undertaken at the same time for an Eastern pact which later was an instrument against Germany?

A Yes. I just mentioned it. An Eastern pact was worked out. We

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accepted the basic principle, but we were to undertake obligations which we could not keep, namely an obligation to give aid in all cases of conflict which might develop between the Eastern peoples. We were in no position to do this, and the plan failed.

DR. VON LUEDINGHAUSEN: May I refer in this connection to the three documents in my document book 3: No. 72, an official communiquè on the Warsaw talk of the French foreign minister of the 24th of April, 1934; No. 73, an official communique on the Prague talk of the French foreign minister on the 27th of April, 1934, and an excerpt from a speech of the French foreign minister of the 30th of May 1934.

BY DR. VON LUEDINGHAUSEN:

Q What was your further policy after the abrupt breaking off of negotiations by this French note?

A From Warsaw, our country entered into negotiations with the individual powers to obtain a practical recognition of equal rights and general understanding with all peoples for a really permament permanent peace. I had given the German missions abroad the assignment to carry on talks to this effect with the respective governments.

In order to start the talks again, Hitler had decided to accept an invitation of Mussolini for a friendly talk in Venice. The purpose of this meeting, as Mussolini later said, was to attempt to disperse the clouds on the political horizon of Europe.

A few days after his return from Venice, Hitler made an important speech in wich he reaffirmed Germany's will for peace.

DR. VON LUEDINGHAUSEN: Mr. President, I should like to refer to my document no. 80 in the Document Book 3, which is an excerpt fromthis Hitler speech in Gera on the 17th of June, 1934.

Would you like to break off now, Mr. President?

THE PRESIDENT: Dr. Luedinghausen, the Tribunal hopes that on Monday, when you continue, you will be able to deal in less detail with this political history which, of course, is very well known to everyone who has lived through it, and particularly to the Tribunal who have heard it all gone into before here.

DR. LUEDINGHAUSEN: I shall endeavor to do so, Mr. President.

(The Tribunal adjourned until 24 June 1946 at 1000 hours).

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